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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ALEJANDRO MORALES-MEJIA, an)	Case No.:
individual,)	
)	(District Court Case No. A-16-746500-C)
Plaintiff,)	
)	
vs.)	
)	
MID-CENTURY INSURANCE COMPANY;)	
DOES I through VI; and ROE)	
CORPORATIONS I through V, inclusive,)	
)	
Defendants.)	

PETITION FOR REMOVAL

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEVADA:

PLEASE TAKE NOTICE that Defendant/Petitioner, Mid-Century Insurance Company (hereinafter "MIC") by and through its attorneys, Feldman Graf, P.C., hereby removes the State action described herein to Federal Court. The grounds for removal are as follows:

1. On November 10, 2016, an action was commenced in the Eighth Judicial District Court, Clark County, Nevada, entitled "*Alejandro Morales-Mejia, an individual v. Mid-Century Insurance Company; DOES I through V, inclusive; and ROE CORPORATIONS I through V, inclusive*", Case No. A-16-746500-C.

2. A copy of all process, pleadings and orders served upon Defendant MIC in the State Court action are attached hereto as **Exhibit 1**.

3. This Petition is filed timely pursuant to 28 U.S.C. §1446(b).

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5. There is a diversity of citizenship between Plaintiff and Defendant. Defendant MIC is informed and believes that Plaintiff, Alejandro Morales-Mejia was and still is a citizen of the State of Nevada. Defendant MIC was at the time of the filing of this action, and still is a corporation incorporated in the State of California.

6. The matter in controversy exceeds \$75,000.00. Plaintiff's counsel has made demand for \$250,000.00, which is the total UIM limits of Plaintiff's policy of insurance with the Defendant MIC. (See Time Limit Policy Limit UM-UIM Demand letter dated January 19, 2016 attached here as **Exhibit 2** and Declaration Page attached here as **Exhibit 3**). In addition to compensatory damages under the liability portion of the policy of insurance with Defendant MIC, Plaintiff seeks extra-contractual or "bad faith" damages as well as punitive damages under statutory and common law theories. Given those claims against this national insurance company, it is clear that Plaintiff is seeking punitive damages in excess of \$75,000.00. See Complaint (**Exhibit 4**).

7. Defendant MIC was served by Joe Ricondo of Legal Process Service on December 5, 2016. (*See Exhibit 1*).

8. Pursuant to 28 U.S.C. §1446, a copy of this Petition for Removal is being filed with the Clerk of the Second Judicial District Court, Washoe County, Nevada, and is further served on all parties hereto.

9. Defendant MIC will also timely file a Notice of Removal in the Eighth Judicial District Court, Clark County, Nevada, a true and correct copy of which is attached as **Exhibit 5**, 28 U.S.C. § 1446(d).

Defendant Mid-Century Insurance Company demands a trial by jury on all issues appropriate for jury determination.

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1 WHEREFORE, Defendant Mid-Century Insurance Company hereby removes the State
2 action now pending against it in the Eighth Judicial District Court, Clark County, Nevada, Case
3 No. A-16-746500-C, to this Court.

4 DATED this 4th day of January, 2017.

5 FELDMAN GRAF, P.C.

6
7 By: _____

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15 Attorneys for Defendant
16 Mid-Century Insurance Company

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19 **CERTIFICATE OF MAILING**

20 I, the undersigned, hereby certify that on the 4th of January, 2017, I mailed a true and
21 correct copy of the foregoing **PETITION FOR REMOVAL** in a sealed envelope with First
22 Class postage fully prepaid, addressed to the following:

23 Kristian Lavigne, Esq.
24 Jeffrey Lavigne, Esq.
25 THE LAW OFFICE OF KRISTIAN LAVIGNE AND ASSOCIATES, P.C.
26 3627 S. Eastern Avenue
27 Las Vegas, NV 89169
28 Telephone: (702) 732-3529
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Alejandro Morales-Mejia

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An Employee of FELDMAN GRAF, P.C.